

Tin Bender Aviation L.L.C.
210 Hamilton Airport Rd.

February 9, 2007

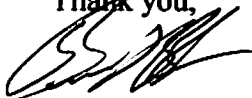
Dear Commissioners;

I would like your consideration of a variance from a ten-year to a twenty-year lease, in accordance with Ravalli Co. minimum standards for commercial activity.

Tin Bender Aviation has been an on going commercial enterprise for many years, and is in the process of expansion to a national market place. A twenty-year lease would greatly enhance this company's ability to grow now and in the future.

I would appreciate your time and consideration of this matter.

Thank you,



BRIAN BAKER

Agent for;

Tin Bender Aviation L.L.C.

On calendar

Feb 23

@0900

Tin Bender Aviation L.L.C

210 Hamilton Airport Rd. #9A
Hamilton Mt. 59840

Phone: 408-363-0223
Fax: 408-363-0223
Email: tba@montana.com

January 31, 2007

Ravalli co. Commissioners

I am currently going through the process of renewing my lease of airport property. There seems to be a disagreement with the term of the lease being limited to ten years, when I, as a commercial enterprise am requesting at least a twenty-year lease. A limit of a ten-year commitment on the counties part makes me question my decision to invest in a business at this location. The airport manager confirmed my suspicions about exceptions to that rule, and supplied me with a copy of the county statute and the state statutes concerning airport leases. Upon first glance, just at the provisions listed in the lease, I could assume the opinion that a ten-year lease was the limit. With twenty years experience reading and comprehending this type of documentation, I Knew to read further. With reading the complete content, I came across the wording "Which is not necessary to the conduct of the county's business or the preservation of county property and for which immediate sale cannot be had." I understand this statement to Limit to a ten-year lease property that is subject to sale and would therefore discourage long-term development

I would like to support my arguments with a few observations.

1. The copy of the statute provided, did not include a title for this chapter, I read the rest of the material and came to the conclusion that MCA-7-8-2231 in its entirety is meant for property that is considered expendable and undeveloped. (I would be interested in knowing the regulations concerning property that is necessary for conducting business or the preservation of county property). Comparing the states statute to county's, the whole chapter deals with airport property alone and of itself on that subject, while the county's chapter deals with the disposal of county property.

2. This statement, compared to FAA rules and regulations governing airport operations is completely contradictory. The county has a long-term commitment with this airport. County statute 7-8-2232, designation disposition of fund also gives the interpretation that 7-8-2231 in its entirety is not applicable in this situation, as all funds generated from airport property usage are designated for the airports infrastructure.

3. All past rules and regulations and their amendments, that I have had an opportunity to review, all had something in common. An anti discriminatory statement or clause. After researching this matter closely, I see no exception to the rule, MCA7-8-2231, in the common guise of a letter from my financial institution, stating that I have a financial commitment to someone other than my self.

Not liking the possible interpretations of #3 I Would like to reiterate my position. I am concerned for myself and the future of my business. My business is a life long commitment. Not a ten or twenty or fifty year commitment.

I Therefore am formally requesting a Twenty-year lease. Based upon MCA7-8-2231, in its entirety and the rest of the statutes in this chapter, One could come to the conclusion that this statute does not apply to long-term commitments by the county.

BRIAN BAKER



Tin Bender Aviation L.L.C.

En. Subd. 10, Sec. 1, Ch. 202, L. 1999; amd. Sec. 3, Ch. 239, L. 1999.

and public auction required for certain sales. Unless personal property to be sold is reasonably of a value in excess of public auction at a site determined by the board of county publication as provided in 7-1-2121. Property described in requirements of this section.

h. 100, L. 1931; re-en. Sec. 4465.9, R.C.M. 1935; amd. Sec. 1, Ch. 30, L. 1953; Sec. 1, Ch. 120, L. 1967; amd. Sec. 1, Ch. 284, L. 1975; R.C.M. 1947, L. 1983; amd. Sec. 11, Ch. 349, L. 1985; amd. Sec. 1, Ch. 74, L. 1995; amd.

1) Except as provided in 7-8-2211(4), a sale under this part must board of county commissioners may approve, provided that at is paid in cash. All deferred payments on the purchase price of terest at the rate of 6% a year, payable annually, and may be ore than 5 years.

sale may not be made at public auction or to any school district han 90% of the appraised value.

he title to any property sold under the provisions of 7-8-2211 from the county until the purchaser or the purchaser's assigns urchase price into the county treasury for the use and benefit of

. 100, L. 1931; re-en. Sec. 4465.9, R.C.M. 1935; amd. Sec. 1, Ch. 30, L. 1953; Sec. 1, Ch. 120, L. 1967; amd. Sec. 1, Ch. 284, L. 1975; R.C.M. 1947, . 1999.

ired for certain sales. Unless otherwise provided:

a value in excess of \$2,500, there must, before any sale, be an d at a price representing a fair market value of such property. ated in the notice of sale.

ublic auction or to any school district without public auction of appraised within 3 months prior to the date of the sale.

. 100, L. 1931; re-en. Sec. 4465.9, R.C.M. 1935; amd. Sec. 1, Ch. 30, L. 1953; Sec. 1, Ch. 120, L. 1967; amd. Sec. 1, Ch. 284, L. 1975; R.C.M. 1947, . 1983.

allenge appraised value. (1) Any taxpayer who may believe than the actual value of the property may, at any time before property, file with the board of county commissioners written e.

is filed, it vacates the sale and the board must at once apply to ave such property reappraised.

n, the district judge shall appoint for purpose of reappraisal 1 appraisers, when appointed by the district judge and after the county clerk and recorder, shall be allowed \$5 per day for in making such appraisal and their necessary and actual

ons appointed under subsection (3)(a) must be made and filed r. The new appraisal or reappraisal shall be used in the next

100, L. 1931; re-en. Sec. 4465.9, R.C.M. 1935; amd. Sec. 1, Ch. 30, L. 1953; Sec. 1, Ch. 120, L. 1967; amd. Sec. 1, Ch. 284, L. 1975; R.C.M. 1947,

(2) If the property to be sold to the school district is reasonably of a value in excess of \$2,500, notice of the sale shall be given by publication as provided in 7-1-2121.

History: En. Subd. 10, Sec. 1, Ch. 100, L. 1931; re-en. Sec. 4465.9, R.C.M. 1935; amd. Sec. 1, Ch. 30, L. 1953; amd. Sec. 1, Ch. 110, L. 1957; amd. Sec. 1, Ch. 120, L. 1967; amd. Sec. 1, Ch. 284, L. 1975; R.C.M. 1947, 16-1009(2); amd. Sec. 4, Ch. 346, L. 1983; amd. Sec. 12, Ch. 349, L. 1985.

Cross-References

Trustees' authority to acquire property by lease-purchase agreement, 20-6-609.

7-8-2217. Procedure for sale of property of lesser value. (1) If the property to be sold is valued at less than \$2,500, it may be sold at either a public or private sale as the board of county commissioners determines to be to the best interests of the county.

(2) If the property is sold at public sale, notice must be given as provided in 7-1-2121.

History: En. Subd. 10, Sec. 1, Ch. 100, L. 1931; re-en. Sec. 4465.9, R.C.M. 1935; amd. Sec. 1, Ch. 30, L. 1953; amd. Sec. 1, Ch. 110, L. 1957; amd. Sec. 1, Ch. 120, L. 1967; amd. Sec. 1, Ch. 284, L. 1975; R.C.M. 1947, 16-1009(part); amd. Sec. 5, Ch. 346, L. 1983; amd. Sec. 18, Ch. 354, L. 2001.

7-8-2218. Procedure if property not sold at public auction. After notice and appraisal are given as provided in 7-8-2212 and 7-8-2214, if no bid or offer is made for any property offered for sale at public auction, the board of county commissioners may, at any time after the auction, sell the property at private sale and may at the private sale accept as the purchase price an amount not less than 70% of the appraised value of the property.

History: En. Subd. 10, Sec. 1, Ch. 100, L. 1931; re-en. Sec. 4465.9, R.C.M. 1935; amd. Sec. 1, Ch. 30, L. 1953; amd. Sec. 1, Ch. 110, L. 1957; amd. Sec. 1, Ch. 120, L. 1967; amd. Sec. 1, Ch. 284, L. 1975; R.C.M. 1947, 16-1009(part); amd. Sec. 3, Ch. 547, L. 1983; amd. Sec. 6, Ch. 18, L. 1995.

7-8-2219. Exchange of county land in case of failure to make sale. If within 1 year no immediate sale be had of real estate attempted to be sold under the provisions of 7-8-2211 through 7-8-2220, the board of county commissioners may make trades or exchanges of such real estate owned by the county for any other lands or real estate of equal value located within the same county.

History: En. Subd. 10, Sec. 1, Ch. 100, L. 1931; re-en. Sec. 4465.9, R.C.M. 1935; amd. Sec. 1, Ch. 30, L. 1953; amd. Sec. 1, Ch. 110, L. 1957; amd. Sec. 1, Ch. 120, L. 1967; amd. Sec. 1, Ch. 284, L. 1975; R.C.M. 1947, 16-1009(5).

7-8-2220. Use of proceeds of property disposition. The funds derived from property disposed of in accordance with 7-8-2211, in the discretion of the board of county commissioners, may be credited to any account that is in the best interest of the county.

History: En. Subd. 10, Sec. 1, Ch. 100, L. 1931; re-en. Sec. 4465.9, R.C.M. 1935; amd. Sec. 1, Ch. 30, L. 1953; amd. Sec. 1, Ch. 110, L. 1957; amd. Sec. 1, Ch. 120, L. 1967; amd. Sec. 1, Ch. 284, L. 1975; R.C.M. 1947, 16-1009(6); amd. Sec. 2, Ch. 547, L. 1983.

7-8-2221 through 7-8-2230 reserved.

7-8-2231. Authorization to lease county property. (1) The board of county commissioners has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to lease and demise county property, however acquired, which is not necessary to the conduct of the county's business or the preservation of county property and for which immediate sale cannot be had. Such leases shall be in such manner and for such purposes as, in the judgment of the board, shall seem best suited to advance the public benefit and welfare.

(2) Except as provided in 7-8-2233:

(a) all such property must be leased subject to sale by the board; and

(b) no lease shall be for a period to exceed 10 years.

History: En. Subd. 28, Sec. 1, Ch. 100, L. 1931; re-en. Sec. 4465.27, R.C.M. 1935; amd. Sec. 1, Ch. 152, L. 1987; amd. Sec. 1, Ch. 11, L. 1959; R.C.M. 1947, 16-1030(part).

7-8-2232. Distribution of lease revenue. (1) All revenue derived from leases authorized by 7-8-2231, except as otherwise provided, must be paid to the county treasurer and may be deposited in the county general fund.

*SEEMS These Rules were Applicable
Before Paved Runways were
Common at Air Ports*

but not limited to their expenditures for fuel, oil, food, and
35; amd. Sec. 8, Ch. 279, L. 1993.

workers' compensation coverage, 39-71-118, 39-71-401.

Part 2 State Aircraft (Repealed)

h. 23, L. 1981; Sec. 22, Ch. 274, L. 1981.
78, L. 1974; amd. Sec. 4, Ch. 213, L. 1975; amd. Sec. 9, Ch. 232, L. 1977;

h. 23, L. 1981; Sec. 22, Ch. 274, L. 1981.
78, L. 1974; amd. Sec. 6, Ch. 213, L. 1975; R.C.M. 1947, 1-1102.

h. 23, L. 1981; Sec. 22, Ch. 274, L. 1981.
78, L. 1974; amd. Sec. 6, Ch. 213, L. 1975; R.C.M. 1947, 1-1103.

h. 23, L. 1981; Sec. 22, Ch. 274, L. 1981.
78, L. 1974; R.C.M. 1947, 1-1104.

h. 23, L. 1981; Sec. 22, Ch. 274, L. 1981.
78, L. 1974; R.C.M. 1947, 1-1105(part).

Part 3 State Airports

quisition. (1) The department may, on behalf of and in the

property by purchase, gift, devise, lease, condemnation
after 30, or otherwise for the purpose of establishing and
ling areas, and other air navigation facilities;

control, establish, construct, enlarge, improve, maintain,
irports, restricted landing areas, and other air navigation
his state;

vestigations, surveys, and plans;
maintain facilities at those airports for the servicing of
modation of air travelers; and
rt, restricted landing area, or other air navigation facility
nce with the laws of this state governing the disposition of

quire or take over an airport, restricted landing area, or
r controlled by a municipality of this state without the
artment may erect, equip, operate, and maintain at an
ecessary and proper to establish, maintain, and conduct
s connected with the airport.

rovide unobstructed air space for the landing and taking
stricted landing areas acquired or operated under the
may acquire, in the manner provided for the acquisition
ents through or other interests in air space over land or
side the boundaries of the airports or restricted landing
ileges that are necessary to ensure safe approaches to the
d landing areas and the safe and efficient operation of

property adjacent to an airport or restricted landing area pursuant to a law of this state.

(4) The department may engage in the activities listed in subsections (1) through (3) jointly
with the United States, with other states, and with municipalities or other agencies of this state.

(5) For the purpose of acquiring any property that it is authorized to acquire, the
department may exercise the right of eminent domain, in the name of the state, in the manner
provided in Title 70, chapter 30. The acquisition of property for any of the purposes listed in this
section is a public use.

History: En. Sec. 19, Ch. 152, L. 1945; amd. Sec. 35, Ch. 348, L. 1974; amd. Sec. 1, Ch. 232, L. 1977; R.C.M.
1947, 1-401(1) thru (5); amd. Sec. 36, Ch. 125, L. 2001.

Cross-References

Airport police officers — employment and education standards, 7-32-303.

Passenger terminals — fire protection and safety regulations, Title 50, ch. 61, part 1.

Acquisition of airports by counties, cities, and towns, 67-10-102.

Airport easement acquisition, 67-10-201.

Joint airport board, 67-10-205.

Airport property — acquisition by eminent domain, 67-10-221.

Purchase of easements, 67-11-201.

67-2-302. State airports — operation. (1) The department may:

(a) lease, for a term not exceeding 40 years, airports or other air navigation facilities or real
property acquired or set apart for airport purposes to private parties, a municipal or state
government or the national government, or a department of either for operation;

(b) lease or assign, for a term not exceeding 10 years, space, area, improvements, or
equipment on those airports to private parties, a municipal or state government or the national
government, or a department of either for operation or use consistent with the purposes of this
title;

(c) sell any part of those airports, other air navigation facilities, or real property to a
municipal or state government or to the United States or a department or instrumentality of the
United States for purposes incidental to or for aeronautical purposes; and

(d) confer the privilege of concessions for supplying goods, commodities, things, services,
and facilities upon the premises of those airports. However, in conferring the concessions, the
public may not be deprived of its rightful, equal, and uniform use of the subject of the
concessions.

(2) The department may determine the charges or rental for the use of state airports, the
charges for service or accommodations under its control, and the terms and conditions under
which the property may be used. However, the public may not be deprived of its rightful, equal,
and uniform use of the property. Charges must be reasonable and uniform for the same class of
service and established with due regard to the property and improvements used and the
expenses of operation to the state.

(3) The state has, and the department may enforce, agisters' liens as provided by law for
repair, improvement, storage, or care of any personal property.

(4) The department may employ persons or contract with persons or firms to provide law
enforcement in and around state airports whenever required by federal aviation regulations.

History: En. Sec. 19, Ch. 152, L. 1945; amd. Sec. 35, Ch. 348, L. 1974; amd. Sec. 1, Ch. 232, L. 1977; R.C.M.
1947, 1-401(6), (7); amd. Sec. 1, Ch. 192, L. 1981; amd. Sec. 1, Ch. 167, L. 2003.

Cross-References

Airport all-beverages license, 16-4-208.

Airport all-beverages license fee, 16-4-501.

Joint airport board, 67-10-205.

Part 4 Intergovernmental Cooperation

67-2-401. Cooperation — federal government. (1) The department may confer with or
hold joint hearings with any federal aeronautical agency in connection with any matter arising

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210 Hamilton Airport Rd. 363-0223

Dear Commissioners:

I regretfully inform you that my bank can't legally intercede on the behalf of my business, in the way that other banks and business have in complying with your exceptions. Unlike other business I am self-funded. This means that the substantial investment in my businesses is my own and I assume the risk of my investment, not some one else.

From a business stand point, a ten year lease gives me great concern in the future plans and expansion of my business. Under Federal rules and regulation governing the operation of airport and aviation businesses I can ease my mind of renewing my lease at the appropriate time, but I doubt if my bank would see this as a long term commitment on my part and possibly impede my access to a future loan, if ever needed.

It is a federal law that I be able to understand and comprehend ALL applicable regulations pertaining to the operation of my business. With over twenty years in this industry, working for different types of business, all working under their specific regulations, at different types and sizes of airports, I found something in common. All these airports operated under the guidelines set out in A/C 150. This allowed all businesses to operate on a fair, equal and consistent basis. All operations of an airport are federally regulated; therefore I am aware of all the facts on which to base my business decisions.

Your usage of MCA 7-8-2231 in preventing a common sense approach to economic development is the issue that causes my greatest fears. M C A 7-8-2231 was brought into existence in 1931, it was last revised in 1957. Is this law consistent with the laws passed in 1984 authorizing federal funds for airports? In my dealings with the airport manager, I had a chance to glance at the new airport layout. I notices several discrepancies with AC 150/5070-6B Chapter 1, 2, 3, 6, and appendix B. The inconsistencies that I noted would prevent the county from being able to attract more professional businesses in the future therefore decreasing the chances of the airport becoming more self sufficient and less of a burden to county tax payers. Some of these point are:

1. No firm separation of public access and air operations areas.
2. No roadways for access, or designated area for commercial expansion that would provide separation of different category aircraft, and public access to their locations with out causing interference with aircraft operations. The public is forced to drive on taxiways and this may be a liability factor for the county.

I could continue and point out other discrepancies with rules and regulations that I have noticed in the past, but this is getting time consuming. I understand and appreciate the fact, that collecting all the rules and regulation and ensuring that they are consistent and

Over

in harmony within the intent of the law, is a daunting task, even for some one with specialized knowledge and skills.

After reviewing all the regulations concerning the operation of airports, I am confident that you will find a law that will allow you to make a common sense decision along the lines of economic development. If you require assistance in reviewing the regulations that you have on file regarding airport operations, I will be happy to bring in a copy of the rules and regulation that my business is required to operate under, and then we can review all the facts, and I can achieve an understanding of the county regulations that are not consistent with my comprehension of federal regulations and basic business law. After I am ware of all the facts, I may be able to come to the conclusion that my business has the same opportunities as other business for economic prosperity.

I am reluctant to bring up all the issues in public forum because a discussion of laws and facts are very time consuming. Without the ability of myself, or my bank to follow legal guidelines, or any written guidelines, in allowing me an exclusion to a limit of a ten year lease, and based on fact M C A 7-8-2231 is not consistent with federal laws, I again request that you review all the facts available to you, and make an educated decision that would not give me cause to think that I have to change my business philosophy and beliefs in order to compete with other businesses.

After reviewing all the facts, if you still have hesitancy about the legality of permitting twenty years leases to a commercial operation, I would encourage a face-to-face meeting to discus these issues before you make a final decision. If it gets to this point please call me at 363-0223 and set up an appointment.

I would not like to entertain the thought of consulting legal counsel to substantiate my comprehension of the laws and facts in this matter, but then again, I my be relieved of the burden of procuring future financing for my business. But then again, taking unfair advantage of a situation goes against all of my morals and ethics.

I would like to take this opportunity to commend the county on their choice of manager. It is apparent from our dealings that he has a good grasp on the knowledge of regulations and is not hesitant in learning of the regulations that affect the different types of business that operate from this airport. It is refreshing to work with someone that has enough dedication to their job, and concerns about the economic future of this valley, to realize the possibility presented at this time to make a good example for other airports as they face growing pains.

Thank you,

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PS. In the simplest terms possible, I am giving you the opportunity to make an educated knowalable decision bases upon facts and laws and the current era in time. Which in the eyes of intelligent knowledgeable people, could be interpreted as a positive change in the effectivity of our locale government. Or you can continue on as in the past and use the excuse, that is the way things have been done in the past. Continuing on as in the past would encourage people's lack of faith in the ability of effective local government in pursuing economic growth. In other words, it is not my responsibility to point out the inconsistencies between local and federal regulations. It is your responsibility to ensure that all rules and regulations are consistent and fair for all and hopefully will encourage economic growth for the community as a whole.